

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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|------------------|---|------------------------|
| IN RE: | : | |
| Adrian P. Conway | : | Chapter 7 |
| Sharon E. Conway | : | |
| | : | Case No.: 19-15968-ELF |
| Debtor(s) | : | |

MOTION TO AVOID LIEN OF CAPITAL ONE BANK, N.A.

Debtors, Adrian and Sharon Conway, by and through attorney Brad J. Sadek, respectfully move this Honorable Court for an order avoiding the judicial lien of Capital One Bank, N.A., filed in the Delaware County Court of Common Pleas and in support thereof allege the following:

1. Debtors filed the above captioned Chapter 7 Petition on September 24, 2019.
2. On January 2, 2020, an Order was entered Discharging the Chapter 7 case.
3. Capital One Bank, N.A. holds a judicial lien in the amount of \$4,371.45 against the debtors' property located at 276 Childs Avenue Drexel Hill 19026. The judgment was entered in the Delaware County Court of Common Pleas under Case No. CV-2019-001825 on March 5, 2019.
4. This lien was not avoided at the time of initial filing.
5. At the time of filing, the debtors' real estate fair market value was estimated at \$146,400.00. See Exhibit "A."
6. The balance on the mortgage owed to Mr. Cooper is estimated to be \$139,223.00.
7. The exemptions in the debtors' assets do not exceed the limits provided under 11 U.S.C. 522(D)(1).

8. As a result, the aforesaid lien impairs the debtors' exemptions and is avoidable pursuant to 11 U.S.C. 522(f).

WHEREFORE, Debtors, by and through the undersigned counsel, respectfully request this Honorable Court enter an Order avoiding the judicial lien of Capital One Bank, N.A. in the amount of \$4,371.45.

/s/ BRAD J. SADEK, ESQ.

Brad J. Sadek, Esq.

Attorney for Debtor(s)

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215-545-0008

Dated: March 7, 2022